

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHARLES O'CAIN,

Petitioner,

V.

MARGARET GILBERT, Superintendent of
STAFFORD CREEK CORRECTIONS
CENTER,

Respondent.

Case No. C16-1797 TSZ-BAT

ORDER TRANSFERRING CASE TO NINTH CIRCUIT

The Court, having reviewed the Report and Recommendation of the Honorable Brian A.ida, United States Magistrate Judge, docket no. 7, to which no objection or response was filed, ORDERS as follows:

(1) The Court ADOPTS the Report and Recommendation.

(2) Petitioner's 28 U.S.C. § 2254 petition is **TRANSFERRED TO THE NINTH**

CIRCUIT AS A MOTION TO PERMIT A SECOND OR SUCCESSIVE PETITION. See

28 U.S.C. § 2244(b)(3)(A).

(3) The Clerk is directed to send copies of this Order to Petitioner and to the

HONORABLE BRIAN A. TSUCHIDA AND TO ADMINISTRATIVELY CLOSE THIS CASE.

DATED this 17th day of February, 2017.

Thomas S. Ballew

Thomas S. Zilly
United States District Judge